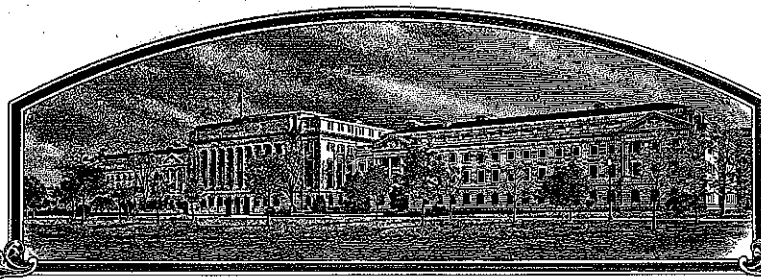


No.

200500015



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**Sakata Seed Corporation**

**Whereas**, THERE HAS BEEN PRESENTED TO THE

**Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC FURNISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR PROPAGATING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED IN THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

**COLEUS**

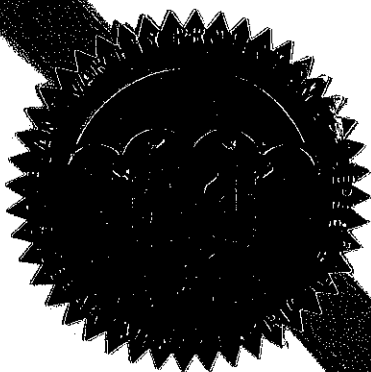
**'Kakegawa CE12'**

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-fifth day of January, in the year two thousand and seven.*

*Attest:*

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

Secretary of Agriculture

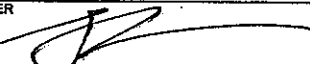


U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER  Sakata Seed Corporation		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME  Kakegawa CE12		3. VARIETY NAME  Kakegawa CE12	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)  2-7-1 Nakamachidai Tsuzuki-Ku, Yokohama Japan 224		5. TELEPHONE (include area code)  (408) 778-7758		FOR OFFICIAL USE ONLY PVPO NUMBER <b>200500015</b> FILING DATE Nov. 12, 2004	
		6. FAX (include area code)  (408) 779-1978			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)  Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION  JP		9. DATE OF INCORPORATION  December 12, 1942	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)  Audrey Charles Ball Helix 622 Town Rd. West Chicago, IL 60185-2698				FILING AND EXAMINATION FEES: \$ 3652.00 DATE 11/12/04 CERTIFICATION FEE: \$ 432.00 + 336.00 DATE 11/12/04 + 12/12/06	
11. TELEPHONE (include area code)  (630) 588-3118		12. FAX (include area code)  (630) 231-2590		13. E-MAIL  acharles@ballhelix.com	
14. CROP KIND (Common Name)  Coleus		16. FAMILY NAME (Botanical)  Coleus Lamiaceae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL)  <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP  Solenostemon Coleus hybrida - scutellarioides		17. IS THE VARIETY A FIRST GENERATION HYBRID?  <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (if "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (if "no", go to item 23) 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 			SIGNATURE OF OWNER		
NAME (Please print or type)  SHUNICHIRO SUDA			NAME (Please print or type)		
CAPACITY OR TITLE  Senior Managing Director		DATE  Nov. 2, 2004		CAPACITY OR TITLE  DATE	

(See reverse for instructions and information collection burden statement)

**GENERAL:** To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. **Retain one copy for your files.** All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvpindex.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

## ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) evidence of uniformity and stability; and (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
  - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
  - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (seed of this variety be sold by variety name only, as a class of certified seed), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

## 22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

*a PBR application was filed in Japan, after the U.S. PVP application was filed. The filing date was December 9, 2004 and the application number is 17733.*

## 23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

March 24, 2004 US sale to Ball Seed Co. for resale

## 24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

## **Exhibit A**

In April 1999, several *Coleus blumei* breeding lines from a large leaf germplasm collection were grown out in Japan by Sakata Seed Corporation. These lines all derive from commercially available *Coleus* varieties Sakata developed in previous decades. Precise documentation of the original source genetics has been lost due to the germplasm program having sporadic starts and stops. The origin of the source genetics for the new variety is most likely from the 'Extra Selected Large Leaved Fancy Colored Mix Strain' offered by Sakata in 1953 or the individual color large leaved varieties added to the catalog in 1954 and 1961, plus crossing to dwarf habit varieties from the Superfine Rainbow series, which is still marketed by Sakata. The lines selected in 1999 were not fixed for habit or leaf color traits. Plants were grown in the field and in August 1999, selections were made for various leaf colors and color patterns, dwarf habit, late flowering time, large leaves, and tolerance to leaf burning while in direct sun. One selection with red leaf centers surrounded by a bright green margin was designated SK2-16. During 2000 and 2001 the selection was repeatedly selfed and selected for these traits. During 2002, the selection was trialed and stability of characteristics was confirmed. SK2-16 has been designated with the variety name 'Kakegawa CE12'. When compared to the original selection from the germplasm bank, this variety has a more dwarf habit, later flowering time, larger leaves, more tolerance to the sun and trait stability.

The variety 'Kakegawa CE12' has been observed for two generations of increase and is stable and uniform. Variants appear in 'Kakegawa CE12' at a frequency of about 1%. These variants have small leaves but are identical to the variety in all other characteristics as described in Exhibit C. These variants are known to be the result of spontaneous mutation due to aneuploidy. This type of mutation occurs in most, if not all, *Coleus* and is a characteristic of the species. These variants are commercially acceptable and predictable.

**Exhibit B**

'Kakegawa CE12' is most similar to the coleus plant Wizard™ Sunset based on the overall number of similar ornamental characteristics including plant habit and type. In addition, Wizard™ Sunset is well known and is representative of what is commercially available from seed. The primary value of 'Kakegawa CE12' is leaf size as measured by leaf width and length. Leaf color can be used to distinguish 'Kakegawa CE12' from the concurrently filed varieties developed for this new series of coleus.

### Comparison of Wizard™ Sunset and 'Kakegawa CE12' Leaf Width and Length

Ten greenhouse 4 1/2-inch pot plants of each variety were evaluated for leaf size measured as width and length. Plants were grown in the summer of 2004 at the PanAmerican Seed facility located in Elburn, IL. In a second trial, ten field-grown plants of each variety were evaluated. Plants were grown in the summer of 2004 at the PanAmerican Seed facility located in Elburn, IL. For both trials, fully-expanded leaves were measured from the third node below the sepals. Data was analyzed using the t-test and results are represented in the charts below. Data from these trials indicate that 'Kakegawa CE12' has significantly wider and longer leaves when compared to Wizard™ Sunset. Leaf color was recorded using the RHS Colour Charts during daylight conditions.

#### Greenhouse Trial

Characteristic	'Kakegawa CE12'	Wizard™ Sunset	t Critical $\alpha=.05$	t Statistic	P Value
Leaf width	11.5 +/- 1.1	4.2 +/- 0.5	2.1	19.5	1.5E-13
Leaf length	10.9 +/- 0.8	6.5 +/- 0.8	2.1	12.2	4.1E-10

#### Field Trial

Characteristic	'Kakegawa CE12'	Wizard™ Sunset	t Critical $\alpha=.05$	t Statistic	P Value
Leaf width	12.7 +/- 0.9	4.4 +/- 0.3	2.1	28.1	2.5E-16
Leaf length	12.2 +/- 1.0	6.8 +/- 0.7	2.1	13.9	4.3E-11

Comparison of 'Kakegawa CE12' Leaf Color to  
Concurrently Filed Varieties and Wizard™ Sunset

Wizard™ Sunset Leaf Color	
Greenhouse Trial	Outside Trial
Margins: greenish cream (RHS 157C) Adjacent to center and center: mixture of bronze and maroon with dark purple overlay (Between RHS 179A and 179B mixed with 182A and an overlay of RHS N186C)	Colors were not recorded for outside trial; however, the same colors reported for the greenhouse trial with slight fading under high light are typically observed.

'Kakegawa CE12' Leaf Color	
Greenhouse Trial	Outside Trial
Margins: green (RHS 137C) Adjacent to center: dark purple (RHS 187A) Center: maroon (RHS 61A)	Margins: green (RHS 144A) Adjacent to center: dark purple (RHS 187A) Center: maroon (RHS 61A)

'Kakegawa CE13' Leaf Color	
Greenhouse Trial	Outside Trial
Margins: green (RHS 144A) Adjacent to center: dark purple (RHS 187A) Center: dark maroon (RHS 186A)	Margins: green (RHS 144A) Adjacent to center: dark purple (RHS 187A) Center: dark maroon (RHS 186A)

'Kakegawa CE14' Leaf Color	
Greenhouse Trial	Outside Trial
Margins: green (RHS N144A) Adjacent to center: dark purple (RHS 187A) Center: maroon (RHS 60B)	Margins: green (RHS N144A) Adjacent to center: dark purple (RHS 187A) Center: maroon (RHS 60B)

'Kakegawa CE15' Leaf Color	
Greenhouse Trial	Outside Trial
A mosaic pattern of green (RHS137B fades to RHS144A) dark maroon (RHS 186A), dark purple (RHS 187A), cream (RHS 155B)	A mosaic pattern of green (RHS137B fades to RHS144A) dark maroon (RHS 186A), dark purple (RHS 187A), cream (RHS 155B)

'Kakegawa CE16' Leaf Color	
Greenhouse Trial	Outside Trial
Margin and adjacent to margin: (RHS closest to 137B fades to 144A) Center: base of leaf: light yellow fades to cream (RHS 18A fades to 155B) Mid-vein near base: dark maroon (RHS 185B)	Margin and adjacent to margin: (RHS closest to 137B fades to 144A) Center: base of leaf: light yellow fades to cream (RHS 18A fades to 155B) Mid-vein near base: dark maroon (RHS 185B)

U.S. DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 SCIENCE AND TECHNOLOGY PROGRAM  
 BELTSVILLE, MARYLAND 20705

EXHIBIT C  
 (Coleus)

COLEUS  
 (Coleus blumei)

NAME OF APPLICANT(S) <u>Sakata Seed Corporation</u>	VARIETY NAME OR TEMPORARY DESIGNATION <u>Takegawa CE12</u>
ADDRESS (Street and No., or R.F.D. No., City, State, and Zip Code) <u>2-7-1 Nakamachidai</u> <u>Tsuzuki-Ku, Yokohama</u> <u>Japan 224</u>	FOR OFFICIAL USE ONLY PVPO NUMBER <b>200500015</b>

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
 Place a zero in first box (e.g. 089 or 09) when number is either 99 or less or 9 or less.

NOTE: FOR PLANT DATA A MINIMUM OF 10 PLANTS IS SUGGESTED.

1. VARIETY TYPE

4 1 = RAINBOW 2 = FRINGE - LEAVED RAINBOW 3 = SALICIFOLIUS 4 = OTHER (Specify) Large-leaf rainbow

2. PLANT (Natural Growth Without Pinching)

<u>1</u>	1 = DIPLOID (2N=20) 2 = TETRAPLOID (2N=40)
<u>10</u> <u>3</u>	DAYS TO FLOWERING FROM SEEDING
<u>2</u>	1 = EARLIER THAN 'RAINBOW RED VELVET' 2 = SAME AS 'RAINBOW RED VELVET' 3 = LATER THAN 'RAINBOW RED VELVET'
<u>1</u>	FLOWERING RESPONSE TO DAYLENGTH: 1 = NEUTRAL 2 = SHORT DAY 3 = LONG DAY
<u>2</u> <u>4</u>	CM HEIGHT (TO BASE OF CENTRAL FLOWER SPIKE) Plant height 45-55 cm
<u>2</u>	1 = COMPACT 2 = OPEN
<u>2</u>	1 = HIGHLY MALE STERILE 2 = HIGHLY MALE FERTILE
<u>1</u>	1 = SELF-BRANCHING 2 = NOT SELF BRANCHING
<u>0</u> <u>1</u>	NO. OF PRIMARY BRANCHES
<u>1</u> <u>2</u>	NO. OF SECONDARY BRANCHES
<u>1</u>	1 = CHIMERAS PRODUCED FREQUENTLY 2 = CHIMERAS INFREQUENT

3. LEAF COLOR (CHOOSE FROM COLORS LISTED BELOW)

<u> </u> <u> </u> <u> </u> <u> </u>	MONOCOLOR (DORSAL SIDE)	<u> </u> <u> </u> <u> </u> <u> </u>	MONOCOLOR (VENTRAL SIDE)
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PATTERNS FOR BICOLOR OR MULTICOLOR (DORSAL SIDE OF LEAF)

LEAF ZONES

	PRIMARY COLOR	BLOTCH COLOR	STREAK COLOR
CENTER . . .	<u>1</u> <u>2</u> <u> </u> <u> </u>	CENTER . . . <u> </u> <u> </u> <u> </u> <u> </u>	CENTER . . . <u> </u> <u> </u> <u> </u> <u> </u>
ADJACENT TO CENTER . . .	<u>1</u> <u>3</u> <u> </u> <u> </u>	ADJACENT TO CENTER . . . <u> </u> <u> </u> <u> </u> <u> </u>	ADJACENT TO CENTER . . . <u> </u> <u> </u> <u> </u> <u> </u>
ADJACENT TO MARGIN . . .	<u>0</u> <u>7</u> <u> </u> <u> </u>	ADJACENT TO MARGIN . . . <u> </u> <u> </u> <u> </u> <u> </u>	ADJACENT TO MARGIN . . . <u> </u> <u> </u> <u> </u> <u> </u>
MARGIN . . .	<u>0</u> <u>7</u> <u> </u> <u> </u>	MARGIN . . . <u> </u> <u> </u> <u> </u> <u> </u>	MARGIN . . . <u> </u> <u> </u> <u> </u> <u> </u>

	SPOT COLOR	STRIPPLE OR DUSTING COLOR	OTHER (Specify)
CENTER . . .	<u> </u> <u> </u> <u> </u> <u> </u>	CENTER . . . <u> </u> <u> </u> <u> </u> <u> </u>	CENTER . . . <u> </u> <u> </u> <u> </u> <u> </u>
ADJACENT TO CENTER . . .	<u> </u> <u> </u> <u> </u> <u> </u>	ADJACENT TO CENTER . . . <u> </u> <u> </u> <u> </u> <u> </u>	ADJACENT TO CENTER . . . <u> </u> <u> </u> <u> </u> <u> </u>
ADJACENT TO MARGIN . . .	<u> </u> <u> </u> <u> </u> <u> </u>	ADJACENT TO MARGIN . . . <u> </u> <u> </u> <u> </u> <u> </u>	ADJACENT TO MARGIN . . . <u> </u> <u> </u> <u> </u> <u> </u>
MARGIN . . .	<u> </u> <u> </u> <u> </u> <u> </u>	MARGIN . . . <u> </u> <u> </u> <u> </u> <u> </u>	MARGIN . . . <u> </u> <u> </u> <u> </u> <u> </u>

COLORS: SELECT TWO WHEN NECESSARY; e.g., YELLOWISH GREEN 0307

01 = WHITE 02 = CREAM 03 = YELLOW 04 = BUFF 05 = BROWN 06 = BRONZE 07 = GREEN 08 = ORANGE  
 09 = PINK 10 = RED 11 = SALMON 12 = MAROON 13 = PURPLE 14 = OTHER (Specify)

## 3.-(CON'T) LEAF COLOR (CHOOSE FROM COLORS LISTED BELOW)

## PATTERNS FOR BICOLOR OR MULTICOLOR (VENTRAL SIDE OF LEAF)

## LEAF ZONES

	PRIMARY COLOR					BLOTCH COLOR					STREAK COLOR			
CENTER . . .	0	7	1	2	CENTER . . .					CENTER . . .				
ADJACENT TO CENTER . . .	0	7	1	2	ADJACENT TO CENTER . . .					ADJACENT TO CENTER . . .				
ADJACENT TO MARGIN . . .	0	7	1	2	ADJACENT TO MARGIN . . .					ADJACENT TO MARGIN . . .				
MARGIN . . .	0	7	1	2	MARGIN . . .					MARGIN . . .				

	SPOT COLOR					STRIPPLE OR DUSTING COLOR					OTHER (Specify)			
CENTER . . .					CENTER . . .					CENTER . . .				
ADJACENT TO CENTER . . .					ADJACENT TO CENTER . . .					ADJACENT TO CENTER . . .				
ADJACENT TO MARGIN . . .					ADJACENT TO MARGIN . . .					ADJACENT TO MARGIN . . .				
MARGIN . . .					MARGIN . . .					MARGIN . . .				

## OTHER COLOR AREAS

0	2	1	2
---	---	---	---

VEINS

1	3		
---	---	--	--

PETIOLES

1	3		
---	---	--	--

STEMS

COLORS: SELECT TWO WHEN NECESSARY; e.g., YELLOWISH GREEN 

0	3	0	7
---	---	---	---

01 = WHITE

02 = CREAM

03 = YELLOW

04 = BUFF

05 = BROWN

06 = BRONZE

07 = GREEN

08 = ORANGE

09 = PINK

10 = RED

11 = SALMON

12 = MAROON

13 = PURPLE

14 = OTHER (Specify)

## 4. LEAF (MATURE)

1	1
0	5

CM LENGTH (MINUS PETIOLE)

1	2
---	---

CM WIDTH (AT BROADEST POINT)

1
1

SHAPE: 1 = OVATE 2 = LANCEOLATE 3 = LINEAR

1 = SYMMETRICAL 2 = ASYMMETRICAL

1
---

BASE SHAPE: 1 = CORDATE 2 = TRUNCATE 3 = ACUTE 4 = OBTUSE 5 = OBLIQUE

3
---

MARGIN: 1 = SHALLOWLY DENTATED 2 = DEEPLY DENTATED 3 = SHALLOWLY LOBED 4 = DEEPLY LOBED

1
---

MARGIN: 1 = NOT FRINGED 2 = FRINGED 3 = DOUBLY FRINGED

3
---

TEXTURE: 1 = SMOOTH 2 = SLIGHTLY SAVOYED 3 = ROUGHLY SAVOYED

## 5. INDICATE A VARIETY MOST CLOSELY RESEMBLING THAT SUBMITTED FOR EACH CHARACTER:

CHARACTER	VARIETY	CHARACTER	VARIETY
PLANT HABIT	Wizard <sup>TM</sup> Sunset	LEAF COLORS*	Wizard <sup>TM</sup> Rose
LEAF TYPE	Wizard <sup>TM</sup> Sunset	LEAF COLOR PATTERN	Wizard <sup>TM</sup> Rose

\*PLEASE REFERENCE COLORS TO A STANDARD SUCH AS THE ROYAL HORTICULTURAL SOCIETY COLOUR CHART OR FAN.

## 6. ADDITIONAL DESCRIPTIVE DATA

In the U.S., the variety is marketed as one of a trademarked series Kong<sup>TM</sup> Red and in Japan as Gorilla Red. 'Kakegawa CE12' remains the variety name.



Exhibit D

‘Kakegawa CE12’

**Exhibit D****Wizard™ Sunset**

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)  Sakata Seed Corporation	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  Kakegawa CE12	3. VARIETY NAME  Kakegawa CE12
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  2-7-1 Nakamachidai Tsuzuki-Ku, Yokohama Japan 224	5. TELEPHONE (Include area code)  (408) 778-7758	6. FAX (Include area code)  (408) 779-1978
7. PVPO NUMBER  200500015		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☐ YES ☒ NO  
Japan

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The breeders of the new variety, Makiko Makizumi and Ikeno Masanori, are employees of Sakata Seed Corporation. The breeding work for the variety was conducted at Sakata Seed Corporation's Kakegawa Research Station in Shizuoka prefecture, Japan. By agreement between the employees and Sakata, all rights and ownership to the variety resides with Sakata Seed Corporation.

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

200500015

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Form Approved OMB NO 0581-0055

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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

EXHIBIT F  
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S)  Sakata Seed Corporation	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 2-7-1 Nakamachidai Tsuzuki-Ku, Yokohama Japan 224	TEMPORARY OR EXPERIMENTAL DESIGNATION  VARIETY NAME Kakegawa CE12
NAME OF OWNER REPRESENTATIVE (S) Audrey Charles Ball Horticultural Co.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 622 Town Road. West Chicago, IL 60185	FOR OFFICIAL USE ONLY  PVPO NUMBER 200500015

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Audrey Charles  
Signature

11/4/04  
Date

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